

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JOSEPH H. AND MIRIAM F. WEISS :  
FOUNDATION, INC., individually and on :  
behalf of all others similarly situated, : Civ No. 10-CV-0100-FB-RR  
:  
Plaintiff, :  
:  
v. :  
:  
NOVARTIS AG and NESTLÉ S.A., :  
:  
Defendants. :  
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**NOTICE OF VOLUNTARY DISMISSAL**

**TO THE CLERK OF THIS COURT AND ALL PARTIES OF RECORD:**

**PLEASE TAKE NOTICE** that plaintiff Joseph H. and Miriam F. Weiss Foundation, Inc., through its undersigned counsel, hereby gives notice of voluntary dismissal of the captioned action, without prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). Neither defendant Novartis AG nor defendant Nestl  S.A., has filed or served an answer or motion for summary judgment in response to plaintiff's complaint. A motion for class certification was not made and the Court has not certified a class in the instant action. Therefore, this dismissal will not bind any member of the class asserted in the complaint and pursuant to Rule 23(e) of the

Federal Rules of Civil Procedure, neither court approval nor notice is required. Thus, plaintiff may voluntarily dismiss the captioned action upon the filing of this Notice.

Dated: New York, New York  
March 18, 2010

By: /s/ Patrick Slyne  
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